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13 RAMESH "SUNNY" BALWANI

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN JOSE DIVISION

17 UNITED STATES OF AMERICA,
18
19 Plaintiff,
20
21 v.
22
23 RAMESH "SUNNY" BALWANI,
24
25 Defendant.

Case No. 18-CR-00258-EJD

**DECLARATION OF JEFFREY B.
COOPERSMITH IN SUPPORT OF
DEFENDANT RAMESH BALWANI'S
SUPPLEMENTAL SENTENCING
MEMORANDUM RE: RESTITUTION**

Judge: Honorable Edward J. Davila

DECLARATION OF JEFFREY B. COOPERSMITH

I, Jeffrey B. Coopersmith, declare as follows:

1. I am lead counsel for defendant Ramesh “Sunny” Balwani in this case, an attorney admitted to practice in the State of California, and a partner at the law firm of Orrick, Herrington & Sutcliffe LLP. I submit this declaration in support of Mr. Balwani’s supplemental sentencing memorandum regarding restitution.

2. Attached as **Exhibit A** is a copy of the transcript of the December 7, 2022 sentencing hearing for Mr. Balwani.

3. Attached as **Exhibit B** is a copy of a May 2017 Exchange and Release Agreement among Theranos, Inc., certain Theranos C-1 and C-2 preferred stockholders, and Elizabeth Holmes.

4. Attached as **Exhibit C** is a copy of a document bearing production numbers SBCOLMAN008860–69, a July 8, 2016 Agreement Terminating the Master Purchase Agreement and Releasing Claims between Safeway Inc. and Theranos, Inc.

I declare under penalty of perjury that the foregoing is true and correct.

Executed February 10, 2023, in Bellevue, Washington.

s/Jeffrey B. Coopersmith
JEFFREY B. COOPERSMITH